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Attorney for Plaintiff **PEDRO ACERO**,
individually, and on behalf of all others similarly situated

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEDRO ACERO, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

STATE FUND COMPENSATION
INSURANCE FUND,

Defendant.

Case No.: 4:14-CV-04928-YGR

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Judge: Yvonne Gonzalez Rogers

Courtroom: 1, 4th Floor

Date: June 14, 2016

Time: 2:00 p.m.

Action Filed: November 5, 2014

NOTICE IS HEREBY GIVEN that at 2:00 p.m. on June 14, 2016, in Courtroom 1, or as soon thereafter as the matter may be heard, in the above-entitled Court, Plaintiff PEDRO ACERO will and hereby do move the Court to:

1. Certify the Class consisting of the California class and the FLSA Class. The California Class shall be defined as and consist of "all persons who worked, full-time, as a Loss Control Representative, Loss Control Consultant, Loss Prevention Representative, Loss Prevention Consultant, Marketing Representative, Broker Relationship Representative, Group Insurance Consultant, Employer Service Representative, Senior Loss Control Representative, Senior Loss Control Consultant, Senior Loss Prevention Representative, Senior Loss Prevention Consultant, Senior Marketing Representative, Senior Broker Relationship Representative, or Senior Group

Insurance Consultant by Defendant in California and who regularly performed officially assigned duties outside of State Fund offices at any time during the period on or after November 5, 2010 through November 10, 2015 (the ‘California Settlement Period’).” The FLSA Class shall be defined as and consist of “all persons who worked, full-time, as a Loss Control Representative, Loss Control Consultant, Loss Prevention Representative, Loss Prevention Consultant, Marketing Representative, Broker Relationship Representative, Group Insurance Consultant, Employer Service Representative, Senior Loss Control Representative, Senior Loss Control Consultant, Senior Loss Prevention Representative, Senior Loss Prevention Consultant, Senior Marketing Representative, Senior Broker Relationship Representative, or Senior Group Insurance Consultant by Defendant in California and who regularly performed officially assigned duties outside of State Fund offices at any time during the period on or after November 5, 2011 through November 10, 2015 (the ‘FLSA Settlement Period’).”, provisionally certified in the Order Granting Preliminary Approval of Class Action Settlement, filed November 10, 2015, Dkt. No. 53.

2. Grant Final Approval of the “Memorandum of Understanding Regarding Class Action Settlement Agreement and Release, which is attached as Exhibits 1-3 to the Declaration of Harvey Sohnen in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement, filed August 27, 2015, Dkt. No. 39, as amended by “Amendment to Memorandum of Understanding Regarding Class Action Settlement Agreement and Release”, attached as Exhibit 2 to the Declaration of Harvey Sohnen in Support of Plaintiff’s Motion for Award of Attorney’s Fees and Costs, filed December 16, 2015, Dkt. No. 54-1 (the “Settlement Agreement”);

3. Grant a class representative enhancement in the amount of \$7,500 to Pedro Acero; and,

4. Grant administrator’s fees and costs to Dahl Administration, LLC in the amount of \$7,284.

This motion is based on:

a. the Memorandum of Points and Authorities in Support of Plaintiff’s Motion for Final Approval of Class Action Settlement, filed herewith;

- 1 b. the Declaration of Plaintiff Pedro Acero in Support of Plaintiff's Unopposed
2 Motion for Preliminary Approval of Class Action Settlement, filed August 27, 2015, Dkt. No. 40;
3 c. the Declaration of Kelly Kratz Regarding Notice and Settlement Administration
4 Activities Completed as of May 2, 2016, filed herewith;
5 d. the Declaration of Harvey Sohnen in Support of Motion for Preliminary Approval of
6 Settlement, filed August 27, 2015, Dkt. No. 39;
7 e. the Declaration of Harvey Sohnen in Support of Plaintiff's Motion for Award of
8 Attorney's Fees and Costs, filed December 16, 2015, Dkt. No. 54;
9 f. the Supplemental Declaration of Harvey Sohnen in Support of Plaintiff's Motion for
10 Award of Attorney's Fees and Costs, filed herewith;
11 g. the terms of the Settlement Agreement; and,
12 h. all other papers filed in this action as of the date of the hearing.

13 Date: May 10, 2016

SOHNEN LAW OFFICES

14 /s/ Harvey Sohnen

15 HARVEY SOHNEN

16 Attorney for Plaintiff PEDRO ACERO, individually,
17 and on behalf of all others similarly situated
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